



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Robert A. Foley, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

PAUL R. LEPAGE
GOVERNOR

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

January 3, 2013

A meeting of the Board of Environmental Protection was held on Thursday, January 3, 2013 at the Civic Center, located at 76 Community Drive in Augusta, Maine. Robert Foley, Chair, called the meeting to order at 9:00 am with the following individuals:

Board: Present: Alvin Ahlers, Tom Eastler, Elizabeth Ehrenfeld, Robert Foley, and M. Wing Goodale

Absent: Board members Richard Gould and Susan M. Lessard were absent.

Staff: Heather Parent, DEP Policy Director
George MacDonald, DEP Sustainability Director
Kerri Malinowski, DEP Sustainability Division
Dr. Andrew Smith, State Toxicologist, Dept of Health and Human Services

Others: Patricia Aho, DEP Commissioner
Cynthia S. Bertocci, BEP Executive Analyst
Mary Sauer, Assistant Attorney General
Ruth Ann Burke, Board Clerk and Administrative Assistant

The Board convened at 9:00 a.m. for a public hearing in the matter of:

CHAPTER 2, Rules Concerning the Processing of Applications and Other
Administrative Matters / Amendments

The Board convened its regular meeting following the close of the public hearing.

I. Departmental

- A. Commissioner's Comments:** None
- B. Comments from the BEP Chair:** Chairman Foley stated that members Gould and Lessard were absent due to illness.
- C. Executive Analyst Comments:** None
- D. Board Calendar:** Reviewed. The Executive Analyst noted that the Board has meetings tentatively scheduled for January 10, January 17 and January 24, 2013.
- E. Departmental Orders/ applications accepted for processing:**
Reviewed.
- F. Executive Session:** None

II. Consent Agenda Items: None

III. Regular Agenda Items:

1. Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products / Citizen Petition for Rulemaking to Require Safer Alternatives to Bisphenol A in Food and Beverage Packaging for Young Children / Deliberative Session

Staff: Heather Parent, DEP Policy Director
George MacDonald, DEP Sustainability Director
Kerri Malinowski, DEP Sustainability Division
Dr. Andrew Smith, State Toxicologist, Dept of Health and Human Services

DEP staff distributed a memorandum dated January 3, 2013 titled "Department Recommendations on the Citizen's Petition Concerning Bisphenol A in the Packaging of Infant Formula, Baby Food and Toddler Food, and the Definitions for Intentionally Added and Toddler Food." Department staff provided an overview of its recommendations to the Board and the Commissioner and responded to questions. Following the question and answer session, Board members indicated that they needed additional time to review the recommendations and stated that the Board and Commissioner will resume their deliberations at the January 17, 2013 Board meeting. Staff was advised to begin drafting a response to public comments received during the comment period for Board and Commissioner consideration along with staff recommendation. No vote was taken.

(The meeting adjourned at approximately 11:30 a.m.)

*Next Regular Meeting – Thursday, January 17, 2013 – Civic Center,
76 Community Drive, Augusta*